

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

United States of America)
)
) Cr. No. 6:00-107-1
vs.) C/A No. 6:03-1804-20
)
James C. Holmes,)
)
Movant.) **OPINION AND ORDER**
)

This matter is before the court on James C. Holmes' ("Holmes") "Motion for Permission to Supplement and/or Amend." Holmes seeks to add a claim to his previously filed petition to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255, which the court summarily dismissed on June 3, 2003. Holmes, however, has failed to provide the court with any authority that would permit it to amend a petition that was dismissed on the merits over two years ago, and the court has found no such authority. Further, to the extent Holmes seeks to file a new § 2255 motion, such motion would be successive. "[A] prisoner seeking to file a successive application in the district court must first obtain authorization from the appropriate court of appeals." United States v. Winestock, 340 F.3d 200, 205 (4th Cir. 2003) (citing 28 U.S.C. § 2244(b)(3)); see also 28 U.S.C. § 2255 ("A second or successive motion [under this section] must be certified as provided in section 2244 by a panel of the appropriate court of appeals . . ."). Holmes has not obtained authorization from the appropriate United States Court of Appeals to proceed with a second or successive § 2255 motion. Therefore, for the reasons provided above, the court denies Holmes' motion to supplement or amend.

Therefore, it is

ORDERED that Holmes' motion to supplement or amend, Document Number 9, is denied.

IT IS SO ORDERED.

s/ Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
July 8, 2005

NOTICE OF RIGHT TO APPEAL

The movant is hereby notified that he has the right to appeal this order within sixty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.